

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014120581

ORDER DENYING MOTION TO  
DISMISS

On December 5, 2014, Student filed a Request for Due Process Hearing (complaint), naming Corona-Norco Unified School District as the respondent.

On December 17, 2014, District filed a Motion to Dismiss, alleging that Parents did not have standing to file a case on behalf of 22 year old Student.

On December 19, 2014, Student filed an opposition, which attached a copy of the Assignment of Educational Decision-Making Authority Student had executed, transferring his educational rights to his Parents on December 17, 2014.

DISCUSSION

Education Code section 56041.5 provides:

When an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights.

In this case, Student has executed an assignment of his rights and appointed Parents as his education rights holder. District's motion to dismiss is therefore denied. The matter shall proceed as scheduled.

IT IS SO ORDERED.

DATE: December 22, 2014

/s/

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KARA HATFIELD  
Administrative Law Judge  
Office of Administrative Hearings